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Cm 4
direction to momentarily provide said selected intensity of
light.

REMARKS

The applicant acknowledges, with appreciation, the allowance of claims 20-41.

Claims 42-44 are cancelled herein without prejudice or disclaimer.

A Letter To The Official Draftsman, in duplicate, is enclosed herewith showing, in red, proposed changes to FIGS. 3 and 23. In FIG. 23 (not FIG. 25), the reference character "60" was used to designate two different elements. The figure has been corrected so that one reference character is -- 60C -- to be consistent with FIG. 19. FIG. 3 has been corrected to add reference character -- 47 -- to the unnumbered lead line. Reference characters "22" and "23" were changed to become -- 36 -- and -- 37 -- respectively and FIG. 3 now corresponds with FIG. 7 and avoids confusion with FIGS. 21, 23 and 25.

As requested by the Examiner, the title of the invention has been amended to become -- ROTARY SWITCH LIGHTING DEVICE -- which is descriptive of the invention.

The Amendment submitted by the applicant on August 11, 1998 enclosed a retyped specification with double spacing between the lines. The retyped specification also corrected typographical errors as noted in the Amendment.

Claims 2-19 and 45 were rejected under 35 U.S.C. §112 second paragraph as being indefinite. Claim 2 has been amended to add -- said power supply -- to the elements forming the circuit assembly. Support for this is found in FIGS. 16 and 36, pages 14 and 27.

Also, claim 2 has been amended to recite the activator having a first rotational position and a second rotational position about said case. This clarifies the structure of the device.

Claims 7 and 8 were both amended to clarify the angle recited in line 4 of each of the claims.

Claim 45 has been amended to substitute -- activator -- for "actuator" in all occurrences. This is a typographical error. The antecedent basis for "activator" is in line 9 of claim 45. Support for "activator" is found in the specification on pages 3 and 16.

Lifting of the rejection under 35 U.S.C. §112 second paragraph is respectfully requested.

Allowance of claim 45 is respectfully requested since the Official Action noted that claim 45 would be allowable if amended to overcome this basis of rejection.

Claims 2, 3, 13 and 19 were rejected as being anticipated by Uke ('812). Uke discloses a flashlight which has a switch 24, an

activator 132 and a movable element 142. The switch 24 includes a connecting strip 150 on the movable element which may be positioned to complete the circuit between legs 44a and 44b in an "on" position or to open the circuit in an "off" position. When the circuit is completed ("on"), power from the batteries is provided to energize the bulb 100. The terminal 102 of bulb 100 of Uke is directly in contact with the battery 14 and contacts terminal 72 (column 5, lines 18-19). The flashlight of Uke is operated by threading barrel 76 on neck 12 so that bulb 100 is energized when contact portion 48 is urged into contact with conductive cap rim 94. This may be considered as a light module but it is submitted, it differs from the applicant's light module. The switch 24 of Uke and the movable element 142 are not part of the light module but are part of the case. Uke does not have a light module with a switch in the light module. Nor does Uke have a light module with a switch having a movable element. The contacts of the light module of Uke are connected and disconnected from the power supply to effect switching. If it were required that Uke have the contacts connected to the power supply, the device cannot simultaneously effect switching.

Contrary thereto, the applicant in claim 2, recites:

" ... a light module having a lamp, a first contact and a second contact, the contacts being connected to a power supply having a voltage; said light module having a switch, said switch having a movable element, said

power supply, said lamp, said contacts and said switch forming a circuit assembly; ...

said activator at a first rotational position about said case establishing a first disposition of said movable element about said light module, said switch at said first disposition of said movable element being at an "off" position, the contacts connected to said power supply and said lamp extinguished; and

said activator at a second rotational position about said case establishing a second disposition of said movable element about said light module, said switch at said second disposition of said movable element being at an "on" position, the contacts connected to said power supply and said lamp emitting light.".

Thus, claim 2 requires the contacts be connected to the power supply in both the "off" and "on" positions. It is submitted that Uke does not describe all of the elements which are recited in claim 2.

Claim 3 of the current invention recites the first contact "directly" contacting the positive terminal and the second contact "directly" contacting the negative terminal. Uke discloses only a first contact directly contacting the positive terminal. His second contact does not "directly" contact his negative battery terminal. The second contact of Uke, when connected, passes through the switch so it cannot directly contact the battery terminal.

Claim 13 recites a sealing means having a first disposition and a second disposition such that in said first disposition the seal prevents water from entering and, at said second disposition, it allows gas to escape. Uke discloses a classical O ring seal. There is no suggestion or disclosure of a first disposition to effect a water seal and a second disposition to permit gas to escape.

Claim 19 recites a sealing means disposed in an opening between said activator and said case. The sealing means is at a first disposition and a second disposition relative to said opening. Uke does not describe the present invention. Also, as noted with respect to claim 13, the O ring of Uke does not have a first disposition to effect a water seal and second disposition to permit gas to escape.

For the above-stated reasons, it is submitted that Uke does not describe all of the elements of the applicant's invention as claimed in claims 2, 3, 13 and/or 19. Accordingly, lifting of the 35 U.S.C. §102(b) basis of rejection is respectfully requested.

Allowance of claims 1-20 is respectfully requested.

Please send future correspondence to:

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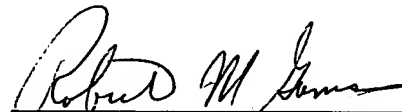
A Power of Attorney was submitted with the Amendment dated August 11, 1998.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, she is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

Date June 24, 1999


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BY: Carolyn A. Bates